

**Opening Statement  
Chairman Mark Souder**

**Threat Convergence at the Border: How Can We Improve the Federal Effort  
To Dismantle Criminal Smuggling Organizations?**

**Subcommittee on Criminal Justice, Drug Policy  
And Human Resources  
Committee on Government Reform**

**July 12, 2005**

Good afternoon and thank you all for coming. This hearing will continue the Subcommittee's ongoing study of how criminal smuggling organizations have impacted our ability to secure our borders. Today's hearing is a follow-up to the June 14 hearing concerning smuggling organizations that are capable of transporting not only drugs, but also aliens, terrorists, and weapons.

Mr. Richard Stana of the Government Accountability Office (the investigatory arm of Congress) will help us understand the resource, management, and legal gaps that frustrate our efforts of the dismantling of these organizations. His testimony will bring further clarity to the organization and efforts of U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to address the critical issue of alien smuggling.

It is critically important that the Department of Homeland Security and Congress address these issues. This Subcommittee is very anxious to review the Administrations "Second Stage Review" process and the impact it will have on the agencies and missions that we are discussing today.

Smuggling pipelines used by unauthorized aliens and criminals seeking to enter the country could also be used by terrorists to gain entrance into the United States. It is estimated that the international alien smuggling and sex trafficking trade generates \$9.5 billion for criminal organizations worldwide, and the profits are used to finance additional criminal enterprises, such as the trafficking of drugs, weapons, or other contraband.<sup>1</sup> Nonetheless, it is unknown how many people are smuggled into the United States each year.

Most alien smuggling occurs along the U.S.— Mexico border. Mexico is a staging area for aliens from Mexico and other parts of the world to attempt to illegally enter the United States. As the Border Patrol makes it more difficult for smugglers to cross at one point along the border, the smugglers move their operations elsewhere. The success of Operation Gatekeeper in San Diego, and Operation Hold the Line in El Paso, have been cited as one of the causes for the increase in smuggling in the Arizona corridor. In addition, smuggling organizations are attracted

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<sup>1</sup> Testimony of ICE Deputy Assistant Director John P. Torres, in Congress, House Committee on the Judiciary, Subcommittee on Immigration, Border Security and Claims, Alien Smuggling: New Tools and Intelligence Initiatives, May 18, 2004.

to the Arizona corridor because the border terrain is challenging for law enforcement; the area is a major transportation hub with a highly developed highway system and an international airport; the corridor has an extensive staging area comprised of homes, hotels and apartments; and the area has a robust financial services infrastructure.

Many policy makers are troubled by the apparent increase in the number of organized cartels ferrying people into the country illegally. The 9/11 Commission voiced strong concerns that terrorists use these human smuggling networks to cross borders in order to evade detection at official points of entry.<sup>2</sup>

The Department of Homeland Security (DHS) is an absolutely crucial player in our efforts to secure the borders. When DHS was created in March 2003, it combined some of the most important border security agencies in the Federal government – the Border Patrol, the former INS and Customs inspectors and agents, and U.S. Coast Guard, all of which represented America’s front line against smugglers and drug traffickers.

Although there are certainly other federal agencies with vital roles in our fight to achieve some type of border control, DHS, and specifically Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), are largely responsible for manning the “front lines” in this mission. ICE is a primary component for investigating alien smuggling, combating the smuggling of aliens into the country, and the U.S. Border Patrol is the primary “front-line defender” between the ports of entry. Without them, we will have little or no defense against the smugglers, people or drug, at our borders. It is vitally important that these DHS components be fully coordinated and integrated as they attempt to secure the borders, and that they be provided the proper tools, resources and authorities to do their jobs.

The Government Accountability Office (GAO) recently released a study entitled “Combating Alien Smuggling; Opportunities Exist to Improve the Federal Response” which provides an in-depth review and critique of the current issues that impact U.S. alien smuggling enforcement efforts.

The alien smuggling issues being discussed in this report are not new or surprising to this Subcommittee. As a matter of fact, they are the same type of issues and challenges that we frequently hear about from DHS agencies and law enforcement officials involved in drug enforcement and interdiction efforts. Stovepiping of responsibilities; limited information sharing; and a lack of a coordinated, cohesive strategy; combined with limited resources are all common critiques.

Now is the time for Department of Homeland Security in general, and Immigration Customs Enforcement and Customs and Border Protection, in particular, to establish a strategic approach to these problems. It is vitally important that these component agencies remain focused and adaptive to various threats as they attempt to secure the borders, and that they be provided the tools and authorities to do their jobs.

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<sup>2</sup> The 9/11 Commission Report, *Final Report of the National Commission on Terrorist Attacks Upon the United States*, U.S. Government Printing Office, July 2004, p. 384.

The GAO report, which we are discussing today, does a good job of identifying some of the potential “gaps” in our current alien smuggling enforcement efforts. These “gaps” must be addressed to ensure that work can be done to deal with correcting those trouble areas.

The first and most important issue centers on the strategic operating plan that DHS is employing to address this issue. If each component agency employs a different operational structure, effective interagency cooperation can not result. Intelligence sharing, coordinated investigations, and operational deconfliction must also be addressed if CBP and ICE are to maximize their effectiveness along the borders and against smuggling organizations.

Second, the report discusses an apparent disconnect between ICE and Border Patrol; that is, there is no mechanism in place for tracking the number and the results of referrals or leads made by CBP to ICE for investigation. Without such a mechanism, there may be missed opportunities for identifying and developing cases on significant alien-smuggling organizations. This Subcommittee has repeatedly discussed the merits and problems facing DHS, as agencies like legacy Customs were literally split into two. Now may be the appropriate time to ask what are the benefits of an ICE and CBP merger? Merging the two agencies may be the most appropriate and necessary means to achieve a seamless enforcement effort. Would joining the two agencies strengthen our nations resolve in the fight against illegal smuggling organizations on the Southwest border?

Third, why is the dismantling of alien smuggling organizations seemingly a low priority? The primary government agency tasked with immigration smuggling investigations, Immigration and Customs Enforcement (ICE), devoted only seven percent of all investigative hours in the last fiscal year (FY 04) to this issue. This is simply not acceptable. If DHS is going to break up alien smuggling organizations, the lead investigative agency will need to devote greater resources for that specific mission.

Fourth, what improvements can be made to the existing immigration laws that can bring greater priority to alien smuggling cases and more effective enforcement and prosecutions? The GAO report highlights a concern raised by ICE and the Department of Justice regarding the lack of adequate statutory civil forfeiture authority for seizing real property, such as “stash” houses where smugglers hide aliens while awaiting payment and travel arrangements to final destinations throughout the nation. Creating human smuggling penalties that are parallel with drug smuggling mandatory minimums may serve to increase convictions and decrease smuggling events. Statutory sentencing guidelines need to be enforced to send the message that the current alien smuggling situation is unacceptable.

These issues are all very important and extremely urgent, and we look forward to hearing from our witness today about ways to improve them. I would like to thank Mr. Richard Stana from the Government Accountability Office for being here with us today to discuss this important issue.

We thank everyone for taking the time this afternoon to join us for this important hearing.